

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

GABRIEL M. BRISTOL.

Case No. 2:16-CV-705 JCM (CWH)

Plaintiff(s),

ORDER

V.

ELIZABETH JOAN HUGHES,

Defendant(s).

Presently before the court is the matter of *Bristol v. Hughes et al.*, case number 2:16-cv-00705-JCM-CWH. On June 25, 2018, the court denied Elizabeth Joan Hughes's motion for summary judgment (ECF No. 40) and dismissed this action for want of jurisdiction (ECF No. 43). Hughes appealed. (ECF No. 46).

The Ninth Circuit held that the “court properly dismissed Hughes’s counterclaims on the basis of Hughes’s insufficient allegations to establish complete diversity between the parties.” (ECF No. 54 at 2). However, the Ninth Circuit vacated this court’s order and remanded because “it is not clear on review that the defective allegations of jurisdiction in Hughes’s countercomplaint could not have been cured by amendment.” *Id.* (citing 28 U.S.C. § 1653; *Snell v. Cleveland, Inc.*, 316 F.3d 822, 828 n.6 (9th Cir 2002)).

This court entered the order on mandate on April 10, 2020. (ECF No. 57). The court now instructs Hughes to file, within 30 days of this order, an amended countercomplaint that establishes diversity jurisdiction, consistent with the Ninth Circuit’s opinion. The court advises Hughes that failure to file an amended countercomplaint may result in the court dismissing her claims for lack of jurisdiction.

1 || Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Hughes shall, within 30 days of this order, file an amended countercomplaint addressing the jurisdictional defects therein.

4 IT IS FURTHER ORDERED that the clerk shall reopen this case if and when Hughes files
5 her amended countercomplaint.

6 DATED April 17, 2020.

Xenos C. Mahan
UNITED STATES DISTRICT JUDGE